

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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U.S. DISTRICT COURT
DISTRICT OF MASS.

FILED
DATE: 10/15/04
M-P

FIREMAN'S FUND INSURANCE COMPANY,
As Subrogee of Hodan Properties, Inc.
Plaintiff

Vs.

CASE NUMBER 04-11578 PBS

FIRE SYSTEMS, INC.,
FIRE SUPPRESSION SYSTEMS OF
NEW ENGLAND, INC.,
PRO CON, INC.
and BRIERE & PAQUETTE, INC. f/k/a
PAQUETTE ELECTRIC CO., INC.,
Defendants

**ANSWER OF THE DEFENDANT, FIRE SYSTEMS, INC., TO
CROSS CLAIM OF PAQUETTE ELECTRIC COMPANY, INC.
AND JURY CLAIM**

The defendant-in-cross claim, Fire Systems, Inc., responds to the allegations contained in the cross claim of plaintiff-in-cross claim, Paquette Electric Company, Inc., paragraph by paragraph, as follows:

FIRST DEFENSE

1. The defendant-in-cross claim is without knowledge or sufficient information to form a belief as to the truth of the allegations contained in paragraph 1 of the cross claim.
2. The defendant-in-cross claim admits the allegations contained in paragraph 2 of the cross claim.
3. The defendant-in-cross claim is without knowledge or sufficient information to form a belief as to the truth of the allegations contained in paragraph 3 of the cross claim.
4. The defendant-in-cross claim is without knowledge or sufficient information to form a belief as to the truth of the allegations contained in paragraph 4 of the cross claim.

5. The defendant-in-cross claim admits that it contracted with Residence Inn. The defendant-in-cross claim neither admits nor denies the remaining allegations contained in paragraph 5 of the cross claim for the reason that the contract in question, being a written document, speaks for itself.

6. The defendant-in-cross claim admits the allegations contained in paragraph 6 of the cross claim.

7. The defendant-in-cross claim neither admits nor denies the allegations contained in paragraph 7 of the cross claim for the reason that no response is required.

8. The defendant-in-cross claim denies the allegations contained in paragraph 8 of the cross claim.

COUNT 1

9. The defendant-in-cross claim repeats and reavers its answers to paragraphs 1 through 8 of the cross claim as if expressly rewritten and set forth herein.

10. The defendant-in-cross claim denies the allegations contained in paragraph 10 of Count 1 of the cross claim.

11. The defendant-in-cross claim denies the allegations contained in paragraph 11 of Count 1 of the cross claim.

12. The defendant-in-cross claim denies the allegations contained in paragraph 12 of Count 1 of the cross claim.

WHEREFORE, the defendant-in-cross claim denies that the plaintiff-in-cross claim is entitled to the relief sought and further denies that the plaintiff-in-cross claim is entitled to recover in any amount or form.

COUNT 2

13. The defendant-in-cross claim repeats and reavers its answers to paragraphs 1 through 8 of the cross claim as if expressly rewritten and set forth herein.

14. The defendant-in-cross claim denies the allegations contained in paragraph 14 of Count 2 of the cross claim.

WHEREFORE, the defendant-in-cross claim denies that the plaintiff-in-cross claim is entitled to the relief sought and further denies that the plaintiff-in-cross claim is entitled to recover in any amount or form.

SECOND DEFENSE

By way of affirmative defense, the defendant-in-cross claim says that if the plaintiff suffered injuries or damage, as alleged, such injuries or damage were caused by someone for whose conduct the defendant-in-cross claim was not and is not legally responsible.

THIRD DEFENSE

By way of affirmative defense, the defendant-in-cross claim says that the cross claim should be dismissed pursuant to Rule 12(b)(6) for failure to state a claim upon which relief can be granted.


WHEREFORE, the defendant-in-cross claim demands that the cross claim of Paquette Electric Company, Inc.'s, be dismissed and judgment entered in its favor with the costs and disbursements of this action.

THE DEFENDANT-IN-CROSS CLAIM DEMANDS A TRIAL BY JURY ON ALL ISSUES.

FIRE SYSTEMS, INC.

By its Attorneys,

MORRISON MAHONEY LLP


Gordon L. Sykes
BBO # 555580
10 North Main Street
Fall River, MA 02720
(508) 677-3100

CERTIFICATE OF SERVICE

I hereby certify that on October 12, 2004, I served the foregoing document by mailing a copy of same, first class mail, postage prepaid, to the attorneys of record:

David D. Dowd, Esquire
Curley & Curley
27 School Street
Boston, MA 02108

Jocelyn M. Sedney, Esquire
Brody, Hardoon, Perkins & Kesten
One Exeter Plaza
Boston, MA 02116

Erik Loftus, Esquire
Law Offices of Stuart G. Blackburn
P.O. Box 608
Windsor Locks, CT 06096.

Jon S. Hartmere, Esquire
Law Offices of Jacqueline L. Allen
262 Washington Street, Suite 601
Boston, MA 02108



Gordon L. Sykes
BBO # 555580

Morrison Mahoney LLP
10 North Main Street
Fall River, MA 02720
(508) 677-3100